

STATE OF MICHIGAN

DEPARTMENT OF LABOR & ECONOMIC GROWTH

BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

**Boundary Commission
Docket #04-AP-2**

**The proposed annexation of territory
in Charleston Township to the City of Galesburg,
Kalamazoo County**

**SUMMARY OF PROCEEDINGS
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The territory denied for annexation in Charleston Township to the City of Galesburg is described in Attachment A.

- A. On January 13, 2004, a petition was filed requesting the annexation of territory in Charleston Township to the City of Galesburg.
- B. On February 19, 2004, the State Boundary Commission held an adjudicative meeting to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.
- C. On May 6, 2004, the State Boundary Commission held a public hearing in the Township of Charleston to receive testimony given pursuant to Public Act 191 of 1968, as amended.
- D. On November 18, 2004, at an adjudicative meeting, State Boundary Commissioners adopted a motion, by majority vote, to recommend that the Director of the Department of Labor & Economic Growth deny the Order for annexation as petitioned, and that Boundary Commission staff prepare a final Summary of Proceedings, Findings of Fact, and Conclusions of Law, and Order. Voting to deny this annexation were Commissioners Kenneth VerBurg, Jerry VanderRoest, and Alan Enderle, all expressing that the main reason for their opposition is based on the lack of compelling evidence as to why this annexation should occur. Commissioners Lloyd Walker and Jeff Ishbia voted in favor of the annexation.
- E. On January 20, 2005, at an adjudicative meeting, State Boundary Commissioners adopted the final Summary of Proceedings, Findings of Fact and Conclusions of Law, and directed that the Order be submitted to the Director of the Department of Labor & Economic Growth for signature.

FINDINGS OF FACT

1. The proposed area for annexation is 57.98 acres and contains the newly constructed Galesburg-Augusta High School. The Galesburg Augusta Community School District is the petitioner.
2. Annexation is being sought by the petitioner in order to acquire organized community services that the petitioner claims cannot be provided by the Township, citing specifically police protection and more favorable water rates.
3. The school property is serviced by a public water system through separate franchise agreements with the City of Galesburg and the Township of Charleston. A water treatment plant serving the franchise area is owned by the City of Galesburg. Charleston Township owns the plant which serves the township system.
4. Sanitary sewer service for the school property is currently provided by a franchise agreement between Charleston Township and the Gull Lake Water & Sewer system.
5. The school currently receives fire protection by the Galesburg-Charleston Fire Authority which services both the city and the township.
6. The Kalamazoo County Sheriff currently provides police protection to the school property. If this property is annexed, the City would provide the police protection. The city has two full time police officers and two part-time police officers.
7. The City and the Township have maintained a favorable inter-governmental relationship. They currently have several joint ventures, such as a joint city-township fire department and a water franchise agreement. The City and the Township operate their own separate recycling and spring clean-up programs. The City is currently considering an expansion of their water system as a joint project with the township.
8. Efforts to facilitate a 425 agreement between the City and the Township on this school property, during the time that this petition was under consideration by the Boundary Commission, were unsuccessful.
9. The City did not solicit the school district for annexation. The position of the city on this proposed annexation is neutral.
10. The questionnaire submitted to the Commission from the township states that the "Charleston Township Board has taken a position in opposition to the proposed annexation," and also that "no one has come forward to the township in support of the request.

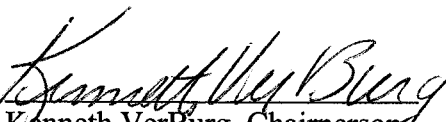
11. Township officials and residents have expressed concern that additional attempts to annex township property to the City will occur. Prior to the public hearing on May 6, 2004, a majority of the Galesburg City Council voted in favor of having no intention to annex any other township property.
12. The financial impact of annexing this property on the city and the township would be minimal as the school property is tax exempt.

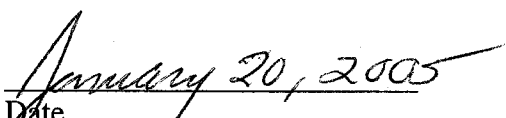
THE COMMISSION FINDS THAT

1. The school district is requesting this annexation based chiefly on two issues:
 - a. to receive quicker police response time for the safety of the students.
 - b. to obtain more favorable water rates in order to lessen the financial impact on the school system.
2. Police protection is sufficiently provided by the County and the water rates are de minimus. The Commission encourages the parties to work together to address the concerns of the school district.
3. After reviewing the record of this docket, the reasons given for annexation are not compelling enough to warrant the annexation of this property from Charleston Township to the City of Galesburg.

CONCLUSIONS OF LAW

The record of this docket, in accordance with the criteria stipulated under Section 9 of the Public Act 191 of 1968, as amended, supports the Commission's recommendation that the Director of the Department of Labor & Economic Growth sign the attached Order to deny the proposed annexation and adopt the Summary of Proceedings, Findings of Fact, and Conclusions of Law.


Kenneth VerBurg, Chairperson
State Boundary Commission


Date

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DEPARTMENT OF LABOR & ECONOMIC GROWTH
BEFORE THE STATE BOUNDARY COMMISSION

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Boundary Commission

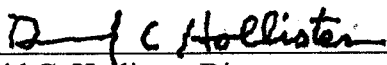
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FINAL ORDER

IT IS ORDERED THAT this Summary of Proceedings, Findings of Fact, Conclusions of Law, and Order to deny the annexation of territory in Charleston Township to the City of Galesburg, as described in Attachment A, shall be effective 30 days after the date the Order is signed by the Director of the Department of Labor & Economic Growth.

IT IS FURTHER ORDERED THAT the Manager of the State Boundary Commission shall transmit a copy of this Order, including Attachment A, and the Summary of Proceedings, Findings of Fact, and Conclusions of Law, as adopted by the State Boundary Commission on January 20, 2005, to the clerks of the Township of Charleston, the City of Galesburg, the County of Kalamazoo, and to the Secretary of State and the property owners within 300 feet of the area proposed for annexation.



David C. Hollister, Director
Michigan Department of Labor & Economic Growth

1-27-05

Date

ATTACHMENT A

Located in Section 18, T. 2 S., R. 9 W.
Charleston Township, Kalamazoo County, Michigan

Annexation Parcel

Beginning at the North 1/4 post of Section 18, T. 2 S., R. 9 W., Charleston Township, Kalamazoo County, Michigan; thence North 90°-00'-00" East along the North line of said Section, 1,443.50 feet; thence South 00°-04'-16" East parallel with the North and South 1/4 line of said Section, 881.86 feet; thence South 50°-43'-27" West parallel with and 400.00 feet Northwesterly of the center line of Highway M-96, 375.00 feet; thence South 39°-16'-32" East, 400.00 feet to the center line of Highway M-96; thence South 50°-43'-27" West along said center line, 922.04 feet; thence North 39°-17'-07" West, 120.00 feet; thence South 60°-00'-16" West, 278.85 feet to the center line of 37th Street; thence North 44°-16'-54" West along the center line of 37th Street, 535.98 feet to the North and South 1/4 line of said Section; thence North 00°-04'-16" West along said 1/4 line and center line of 37th Street, 1,675.41 feet to the place of beginning. Containing 57.98 Acres and being subject to County & State Road right-of-ways of record.